



Re: Richardson Flat OU3

Kevin Murray to: Matthew Cohn

10/12/2010 05:33 PM

Cc: "Casey S. Padgett", Kathryn Hernandez, "Kerry C. Gee", Mia Bearley, Mo Slam, Sandra D Nelson

From: Kevin Murray <kmurray@chapman.com>  
To: Matthew Cohn/R8/USEPA/US@EPA  
Cc: "Casey S. Padgett" <Casey.Padgett@sol.doi.gov>, Kathryn Hernandez/R8/USEPA/US@EPA, "Kerry C. Gee" <kcggee@unitedpark.com>, Mia Bearley/R8/USEPA/US@EPA, Mo Slam <mislam@deq.state.ut.us>, Sandra D Nelson <snelson@chapman.com>

I do not think we are suggesting that rule 408 provides an exemption to FOIA, the position is that the documents are also CBI in addition to 408. Happy to discuss

Regards,  
Kevin

Sent from my iPad

On Oct 12, 2010, at 3:40 PM, Cohn.Matthew@epamail.epa.gov wrote:

> Kevin I think we all need to have a conversation about confidentiality  
> of documents. I do not agree that Rule 408 provides an exemption to  
> FOIA or any discovery requirement. I also question whether CBI would  
> apply to any of the documents we would be using in the context of this  
> negotiation. While I appreciate the value of candid face-to-face  
> discussions in a confidential environment, I have always found that it  
> works best to be open with documents, as they are the foundation of  
> administrative records and are frequently sought as the basis for  
> challenging settlements. Usually, the more documents are accessible,  
> the less there is to challenge. matt  
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